



# PECFA POST



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## CONDITIONAL CLOSURE REQUIREMENTS NOT COMPLETED

The Wisconsin Department of Commerce (Commerce) Bureau of PECFA has established a web page containing a list of sites that were conditionally closed prior to January 15, 2004, for which final closure requirements have not been completed. Commerce is planning to make this list a permanent feature of the web site and will provide periodic updates. The list can be accessed at <http://commerce.state.wi.us/ER/ER-PECFA-ConditionalClosureListPrior03-04.pdf>.

Sites that received conditional closure after January 15, 2004 do not appear on the current list. Also, some sites that obtained conditional closure prior to January 15, 2004, but have not obtained final closure, have been omitted from this list. Omitted sites include those that have recently submitted confirmation that final closure requirements are actively being pursued and those sites that have submitted details and/or results regarding continued remedial work conducted in an effort to obtain a less restrictive closure.

It is important that conditions for closure be completed for all sites. Failure presents several potential problems that may include the public not being adequately notified of contamination, difficulty with property transactions, monitoring wells continuing to present a contaminant transport risk, and deed restrictions/engineering controls not being implemented that could result in exposure risk or an expanding groundwater contaminant plume. In subsequent paragraphs, Commerce describes some common problems noted with sites that have not completed the conditions for closure and some alternatives to bring sites to final closure.

### *Soil deed notice*

Many sites conditionally closed prior to the implementation of the soil GIS Registry were required to record a "soil deed notice" to achieve final closure. The responsible parties (RPs) for some of these sites, although they may have made good faith efforts to complete closure requirements, were not able to record the required soil deed notice(s) because new owners of the subject property and/or owners of off-site contaminated properties were not willing to comply. Responsible parties may not be aware that they can now complete soil deed notice requirements by having the site listed on the Wisconsin Department of Natural Resource's (WDNR's) GIS Registry. To satisfy the soil deed notice requirement, Commerce recommends that RPs make additional efforts to either record the required deed notice and submit a copy to Commerce or pay the soil GIS registry fee to the WDNR and submit a complete soil GIS registry package to Commerce. Consultants may be able to assist former clients by contracting to assemble GIS packages to complete closure requirements. If required soil deed notices have previously been recorded and the site is listed, please submit a copy of the recorded soil deed notice to the appropriate Commerce site manager.

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### *Well abandonment*

Many conditionally closed sites, particularly those that only needed monitoring wells abandoned to achieve final closure, have in fact, completed all conditional closure requirements, but have not submitted the documentation to Commerce. Commerce requests that in these cases, the required information be submitted to allow for "final closure." In other cases, RPs are not paying consultant invoices following conditional closure and, subsequently, consultants are not providing completed closure documentation. Responsible parties or consultants are to notify Commerce with regard to these situations. Code requirements for monitoring well abandonment and submittal of abandonment documentation, including timelines, are presented in NR 726.05(8)(a)1 NR 141.25(1)(b) and NR 141.25(4) Wisconsin Administrative Code (WAC). Responsible parties not abandoning wells following conditional closure, in order to conduct additional groundwater monitoring to obtain a less restrictive closure, are to submit recent sampling results and provide a schedule for future sampling to Commerce. If no additional sampling is to be conducted at conditionally closed sites, all monitoring wells must be properly abandoned.

### *Disposal documentation*

For several sites on the delinquent conditional closure list, additional information, such as disposal documentation for removed tanks, tank sludge or investigative wastes must be submitted to Commerce. In some cases, no documentation has ever existed and in other cases documentation is no longer available. If requested documentation is not available, any account regarding the above can be submitted to Commerce and site reviewers will determine if final closure can be granted.

### *Deed restrictions for engineering controls*

For certain sites on the delinquent conditional closure list, a copy of a recorded deed restriction was required to be submitted to Commerce to obtain final closure. However, in these cases no copies of the deed restrictions have been received. Recording deed restrictions for engineering controls is integral to the validity of a site's closure status. If required deed restrictions are not being recorded and engineering controls are not maintained, liability for potential future problems due to this oversight will revert back to the RP or current property owner and additional PECFA funding will not be available. Unless exempted, sites without the required recorded deed restrictions or submittal of an approved plan to address contamination do not comply with NR 726.05(8)(b) and (10) WAC and will be addressed by Commerce. Responsible parties who are unable to complete conditional closure requirements, are asked to contact Bureau of PECFA site reviewers to resolve the problems. Commerce also encourages consultants to contact former clients to help bring these conditionally closed sites to final closure.

### ***PECFA Post circulation and a request for Topics of Concern***

Commerce is continuing to move toward total electronic distribution of the *PECFA Post*. To subscribe electronically go to <http://commerce.wi.gov/ER/ER-PECFA-News.html> - #PecfaPost and scroll down to the subscribe box. You will receive an email to confirm your email address. Upon confirmation you will have been added to the electronic distribution list. If you do not have e-mail, you may call, (920) 303-5410, or write Beth Erdman at ERS Division, Bureau of PECFA, 2129 Jackson Street, Oshkosh WI 54901 and request to be placed on a mailing list.

We are always happy to receive suggestions for future *Post* topics or comments on current articles. Please use contact Beth Erdman at [berdman@commerce.state.wi.us](mailto:berdman@commerce.state.wi.us) or mail suggestions or topics to the address listed above.

## **“WELL” WHAT SHOULD I DO AND HOW SHOULD I DO IT?**

The Wisconsin Department of Commerce (Commerce) continually receives questions regarding well abandonment with respect to final closure and how PECFA reimbursement is affected. The “conditional closure” letter generally initiates the question. For sites with water table monitoring wells, piezometers and extraction wells, one condition of closure is abandonment. It is at this point that the request may be made not to abandon the well(s). Chapter NR 141.25(1) Wisconsin Administrative Code (WAC) states that any well no longer being used to gather information on groundwater properties shall be abandoned within 60 days after its use has been discontinued. The two most common requests to postpone the abandonment of monitoring wells are as follows:

- Sample the well(s) for a continuing investigation/remediation.
- Continue to sample the well(s) to achieve a “clean” closure.

The first request requires responsibility for the proper abandonment of monitoring wells due to the need for continued use of the wells in order to complete a separate, continuing investigation/remediation for another project. Responsibility for eventual abandonment is transferred to the responsible party for the continuing investigation/remediation, if different. In addition, the agency with administrative authority is responsible for making sure that the abandonment of the wells is eventually completed. An example is a co-mingled plume of petroleum and agricultural chemicals (Ag Chem). The petroleum compounds are stable or declining, but the Ag Chem release is not yet closable. In transferring responsibility for well abandonment to the Ag Chem release, it must be clearly determined which department will ensure that the wells are abandoned. When “conditional closure” is granted for the PECFA portion of the release, a letter must be sent to Commerce and copied to the regulatory agency with jurisdiction of the open release. This letter is to include, at a minimum, the following information: site name, site location, Commerce number, well number(s) and agency with responsibility for abandonment. When receipt of this letter is verified by both agencies, the transfer of abandonment responsibility is considered approved.

The second request occurs when a responsible party/property owner chooses to continue to monitor groundwater to achieve “final closure” with no restrictions. In this scenario, the site remains “conditionally closed” until the well(s) are properly abandoned. Notification of the intent to continue to sample the wells must be sent to Commerce with the request. However, if the site is eligible for PECFA reimbursement, the final claim [excluding the cost for abandoning the well(s)] must be submitted within the time frame allotted. The abandonment cost claim can be submitted at a later date, but there will be no reimbursement for interest or for preparation of an additional claim. Final closure will only be granted once the monitoring well(s) are abandoned.

## **ON-LINE STANDARDS FOR WATER AND WASTEWATER**

A new website is now available for water professionals to access developments in water quality testing standards and consult with other experts in the field. The subscription-based service titled "Standard Methods for the Examination of Water and Wastewater" is found at [www.StandardMethods.com](http://www.StandardMethods.com). The website was created by the American Public Health Association (APHA), the American Water Works Association (AWWA) and the Water Environment Federation (WEF). The website includes services such as new, revised and US Environmental Protection Agency (EPA)-approved methods that will be continuously updated and available for download. According to Mr. Lenore Clesceri, chair of Standards Methods Joint Editorial Board, the website will enable quicker dissemination of new and revised methods as well as create a constant energy for new methods to be produced.

## INFORMATION WITH REGARD TO REDEVELOPED PECFA SITES

Do you know of PECFA sites that are redeveloped, are presently being redeveloped or are in the planning stages of being redeveloped? If so, the Wisconsin Department of Commerce (Commerce) wants to hear from you. Examples of redeveloped PECFA funded sites are: parks/greenspace, commercial buildings, hotels/motels, residences, government buildings, and gas stations and/or convenience stores.

To notify Commerce of PECFA redeveloped sites, please contact Brian Taylor via e-mail at [btaylor@commerce.state.wi.us](mailto:btaylor@commerce.state.wi.us) or by phone at (608) 266-0593. When contacting Brian, please provide, at a minimum, the following information: Commerce and/or BRRTS number; site name; site address and a description of the redevelopment. Furthermore, please indicate if before and/or after redevelopment photographs are available.

## DETERMINING CASE JURISDICTION

The Wisconsin Department of Commerce (Commerce) has received a number of closure requests for sites that do not fall under Commerce jurisdiction. Commerce has jurisdiction over low and medium risk sites for the release of a petroleum product from a petroleum storage tank, whereas the Wisconsin Department of Natural Resources (WDNR) has jurisdiction over high risk sites. Consultants are reminded to review the definitions for low, medium and high risk as defined in s. 101.144(1)(aq) Stats., and in the definitions section of chapter NR 746 Wisconsin Administrative Code, to determine proper agency jurisdiction. Generally, the definition of a high risk site that requires WDNR oversight, is as follows:

- Repeated testing of a potable well results in the presence of contamination exceeding a Chapter NR 140 Wis. Adm. Code preventive action limit.
- Free petroleum product is present in a monitoring well with a thickness of 0.01 feet or more, as shown by repeated measurements, twice since December 1, 1999.
- An enforcement standard is exceeded in groundwater within 1,000 of a public utility well or within 100 feet of any other potable well.
- An enforcement standard is exceeded in fractured bedrock.
- Non-petroleum co-contamination is present.

## GIS PACKETS FOR COMMERCE

Since the inception of the Geographic Information System (GIS) in 2001, the Wisconsin Department of Commerce (Commerce) has provided the Wisconsin Department of Natural Resources (WDNR) with numerous GIS Registry packets. Due to State budgetary constraints, Commerce is requesting that GIS Registry packets be submitted electronically. A CD-ROM with the complete packet in the correct format will facilitate the closure process. Please provide the information for groundwater and/or soil GIS registry in the order outlined in the WDNR reference publication RR688 using the following link: [www.dnr.state.wi.us/org/aw/rr/archives/pubs/rr688.pdf](http://www.dnr.state.wi.us/org/aw/rr/archives/pubs/rr688.pdf).

## FILE THOSE CLAIMS

Wisconsin Department of Commerce (Commerce) Bureau of PECFA Claim Review Section staff have identified over 300 sites where the bank or site owner have reported that more than \$50,000 is outstanding, but a recent claim has not been submitted. The owners of these sites were sent a letter on February 26, 2004 asking them to file a claim. Claim Review Section staff made telephone calls to the owners, asking them if they received the letter and informing them that a claim should be filed by July 1, 2004. If a claim was not received by July 1, 2004, a final notice will be sent to the owner specifying a date at which interest will no

longer be eligible. Bonding money has given PECFA more spending authority and, therefore, claims should be submitted while funds are available to process the reimbursements. Subsequent to this activity, PECFA staff will contact (telephone) responsible parties for sites that have a reported release but no follow up has been reported. This effort will allow PECFA Claim Review Section staff to determine future program financial needs.

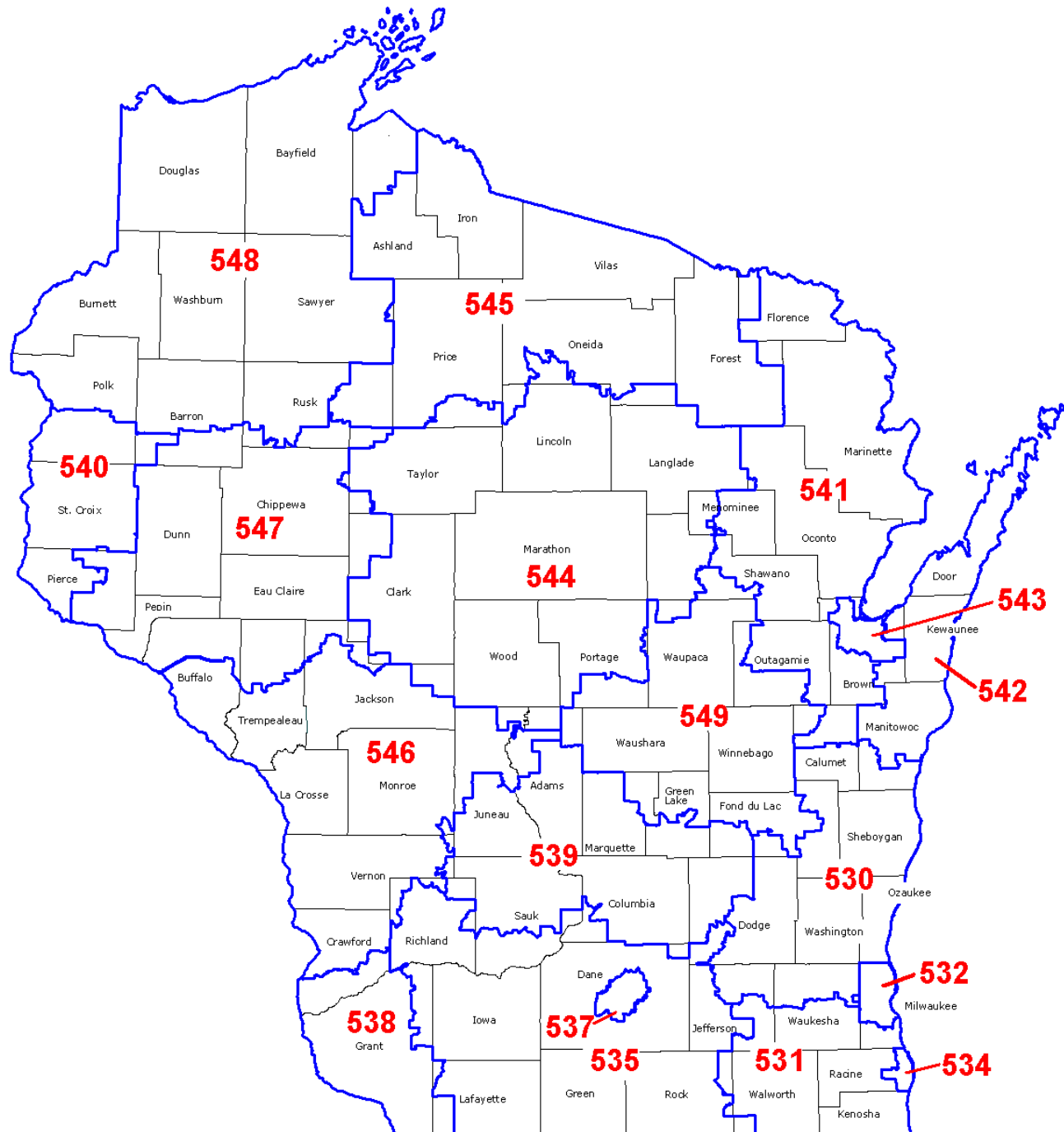
### **REVISED CASE SUMMARY AND CLOSE OUT FORM**

The Wisconsin Department of Commerce (Commerce) has revised the "Case Summary and Close Out Form" {form ERS-10779(R.6/04)}. The Form was revised so information that was previously not included with closure submittals and geographic information system (GIS) packets will be submitted. The revised form is available on the Commerce Website at the following link: <http://www.commerce.state.wi.us/ER/ER-PECFA-Forms.html>.

### **CHANGES IN 549 AREA RESPONSIBILITIES**

Tom Verstegen in the Wisconsin Department of Commerce (Commerce) Bureau of PECFA Oshkosh office has assumed new duties and will no longer be the principal contact for most sites in the 549 zip code area. Responsibility for the 549 area has been divided between Robert Klauk in Oshkosh and Dee Zoellner in Stevens Point. Sites in Outagamie, Winnebago and Fond du Lac counties will be managed by Mr. Klauk. Ms. Zoellner will be responsible for the remaining 549 area including sites in the City of New London in Outagamie County. It should be noted, however, that Mr. Verstegen will continue to manage certain sites presently in critical stages of remediation.

# PECFA SITE REVIEW ZONE COVERAGE MAP





# PECFA SITE REVIEW ZONE CONTACT INFORMATION

<b>Bureau Director</b> <a href="#">Oscar Herrera</a> (608) 266-7605 WI Dept Of Commerce FAX 608-267-1381 201 W Washington Ave PO Box 8044 <b>Madison WI 53708-8044</b>		<b>Section Chief Site Review Section</b> <a href="#">Lori Huntoon</a> (608) 261-7732 WI Dept Of Commerce FAX 608-267-1381 201 W Washington Ave PO Box 8044 <b>Madison WI 53708-8044</b>	
<b>Program Assistant</b> <a href="#">Cathy Voges</a> (608) 261-7717 WI Dept Of Commerce FAX 608-267-1381 201 W Washington Ave PO Box 8044 <b>Madison WI 53708-8044</b>		<b>Program Assistant</b> <a href="#">Kristi Hammes</a> (608) 267-3753 WI Dept Of Commerce FAX 608-267-1381 201 W Washington Ave PO Box 8044 <b>Madison WI 53708-8044</b>	
<b>ZIP CODE STARTING WITH:</b>		<b>CONTACT INFO (click on project manager name to send email):</b>	
<b>530, 531, 532, 534</b>		<a href="#">Lee Delcore</a> (414) 220-5403 <a href="#">Stephen Mueller</a> (414) 220-5402 <a href="#">Jennifer Skinner</a> (414) 220-5373 <a href="#">Greg Michael</a> (414) 220-5375 <a href="#">Monica Weis</a> (414) 220-5361 <a href="#">Linda Michalets</a> (414) 220-5376	WI Dept of Commerce 101 W Pleasant St Suite 100A <b>Milwaukee WI 53212-3963</b> FAX 414-220-5374
<b>535</b>		<a href="#">Ralph Smith</a> (608) 261-6543 <a href="#">Alan Hopfensperger</a> (608) 266-0562	WI Dept Of Commerce 201 W Washington Ave PO Box 8044 <b>Madison WI 53708-8044</b> FAX 608-267-1381
<b>537, 538</b>		<a href="#">Eric Scott</a> (608) 266-8516 <a href="#">Andrew Alles</a> (608) 261-8509 <a href="#">Jon Heberer</a> (608) 261-5405	
<b>539, 546</b>		<a href="#">David Swimm</a> (608) 264-8766 <a href="#">Gena Larson</a> (608) 261-5404	
<b>540</b>		<a href="#">Shawn Wenzel</a> (608) 261-5401	
<b>545</b>		<a href="#">David Blair</a> (608) 261-2515	
<b>548</b>		<a href="#">Will Myers</a> (608)261-7718	
<b>544, 547</b>		<a href="#">Brian Taylor</a> (608) 266-0593  <a href="#">Dee Zoellner</a> (715) 342-3802 <a href="#">Tim Zeichert</a> (715) 345-5307	WI Dept Of Commerce 2715 Post Rd <b>Stevens Point WI 54481-6456</b> FAX 715-345-5225
<b>542, 543</b>		<a href="#">Robert Klauk</a> (920) 424-0046	WI Dept Of Commerce 2129 Jackson St <b>Oshkosh WI 54901-1805</b> FAX 920-424-0217
<b>549*</b>		<a href="#">Tom Verstegen</a> (920) 424-0025	
<b>541</b>		<a href="#">Beth Erdman</a> (920) 303-5410	

\*Outagamie, Winnebago, Fond du Lac Counties are project managed by Robert Klauk and the remainder of 549 sites including the City of New London are managed by Dee Zoellner.

# PECFA CLAIM REVIEW CONTACT INFORMATION

<b>Bureau Director</b> <a href="#">Oscar Herrera</a> (608) 266-7605 WI Dept Of Commerce 201 W Washington Ave PO Box 8044 <b>Madison WI 53708-8044</b>		<b>Section Chief Claim Review Section</b> <a href="#">Dennis Legler</a> (608) 267-7642 WI Dept Of Commerce 201 W Washington Ave PO Box 7838 <b>Madison WI 53707</b>
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<b>Claim Review</b>	<a href="#">Jean Beckwith</a> (608) 266-6796 <a href="#">Linda Collier-Thompson</a> (608) 267-5264 <a href="#">Rosemary Fiscus</a> (608) 267-2001 <a href="#">Russel Haupt</a> (608) 267-7538 <a href="#">Lorraine Narvaez</a> (608) 261-7716 <a href="#">Tim Prosa</a> (608) 261-7715	WI Dept of Commerce 201 W Washington Ave PO Box 7838 <b>Madison WI 53707</b> FAX 608-267-1381
<b>Initial Claim Eligibility</b>	<a href="#">Renee Dickey</a> (608) 264-8765	
<b>Commodity Bid Waivers</b>	<a href="#">Mary Ann Gosda</a> (608) 266-9420	
<b>Appeals Field Audit</b>	<a href="#">James Moser</a> (608) 267-1394	
<b>Appeals Coordinator-Initial Contact for Appeals</b>	<a href="#">Laura Pleasants</a> (608) 261-2511	
<b>Initial Claim Review</b>	<a href="#">Diane Ploessl</a> (608) 261-7723	
<b>Appeals and Emergency Action</b>	<a href="#">Darin Powers</a> (608) 261-6544	
<b>Financial Manager-Payment Issues</b>	<a href="#">Dottie White</a> (608) 266-3713	WI Dept of Commerce 201 W Washington Ave PO Box 8044 <b>Madison WI 53708</b> FAX 608-267-1381
<b>Program Assistant</b>	<a href="#">Kristi Hammes</a> (608) 267-3753	
<b>Field Auditor</b>	<a href="#">Carl Kramer</a> (262) 638-7247	WI Dept of Commerce PO Box 081246 <b>Racine WI 53408</b> FAX 414-638-7247